

ARGUMENTS

I am reiterating my original response per our telephone interview on December 27, 2004 as follows. In his response, Examiner never discussed FIG. 6C of Brandenburg. Per our telephone conversation, I pointed out the significance of FIG. 6C.

Regarding claim 1, we agreed that Applicant's claimed invention could be distinguished from Blandenbergl. Applicant claims:

a keyboard portion having a support base and a keypad, the support base defined by a top surface, a bottom surface, a rear edge, a front edge, and a pair of side edges, the keypad overlaying the top surface of the support base;

an electronic housing having a configuration defined by a top surface, a bottom surface, a rear edge, a front edge, and a pair of side edges, the front edge of the electronic housing being hingedly coupled to the front edge of the support base such that the electronic housing can pivot from a closed position into an open position wherein the bottom surface of the electronic housing is parallel to the bottom surface of the support base;

Blandenbergl states:

As device 801 transitions to the open state, display portion 803 hingedly pivots relative to body portion 807 as indicated by arrow 809 in FIG. 6B. In the open state, display screen 815 is adjacent to and visible above thumbboard 805. Fig. 6a shows the closed state and Fig. 6B is still in the closed state to show the transition to FIG. 6C.

As shown in FIG. 6C, the invention in the prior art keyboard is adjacent to the keyboard in an open state. The prior illustrates in FIG. 6A and 6B that bottom surface of the keyboard and display portion are parallel in a closed state. However, applicant claims the electronic housing

having the display and the keyboard portion are parallel in an open state. Thus, the Applicant's invention is distinguished from the prior art. As shown in FIG.'S, 6A, 6B, and 6C, the lower edge of the display is hingedly connected to the top edge of the keyboard housing. As shown in FIG. 1 in the specification, the two top edges are hingedly connected as claimed.

Regarding independent claim 7, claim 7 was amended to claim an alternative embodiment of claim 1, wherein the invention is affixed into an operable position with the bottom surface of electronic housing (620) and keyboard portion (610) in a parallel position. (See Page 8 line 8-16 and FIG. 6)

Regarding independent claim 13, claim 13 was amended to claim an alternative embodiment of claim 1, wherein the invention is slid into an operable position with the bottom surface of electronic housing (720) and keyboard portion (710) in a parallel position. (See Page10 lines 3-5 and FIG. 7C).

112 REJECTION OF CLAIM 13

The specifications do more than just mention operable versus closed state. The Page 9 lines 9-29 through page 10 lines 1-8 discloses the full process. There are some typographical errors between the FIG.'S 7A-7C and the specifications. The disclosure can be amended to matter that is inherently disclosed by the original application. (*See In re Smyte, 480 F.2d 1376, 178 USPQ 279 (C.C.P.A.)*) As a result, applicant has amended the specifications to be in line with the drawings which are part of the original disclosure. Examiner alleges that the specifications fail to convey to one skilled in the art. Applicant has amended FIG 7A and 7B with labels in line with FIG 7 and FIG. 7C. Applicant has provided FIG. 7C for clarification. The specification was amended as follows (Please note that examiner and applicant discuss

these changes in a telephone conversation; these amendments could have been taken care of before final office action response):

- label (746,747) was replaced with 736, 737 to show rib designations. 746, 747 was designated as ribs earlier in the application. This is an obvious error that can be amended.
- labels 741 and 742 was changed because their designation are reversed in the drawings. This is an obvious error that can be amended.
- More designations were added to FIG. 7A and 7B for clarification and to bring them in line with FIG. 7 and 7C. These designations are taken directly from the drawings 7 and 7C which were disclosed in the original disclosure.
- 765 was changed to 745. 745 is depicted as bottom surface of the electronic housing in the specifications and drawings. This is an obvious error for amendment.
- a description of 7A and 7B was added for clarification for examiner. 7B was changed to 7A. 7A is the closed state. This is an obvious error that can be amended in view of the drawings.
- Claim 13 was amended for examiner clarification. As shown in FIG. 7A, in the closed state the keypad (125) faces the bottom surface of the electronic housing which is also stated in the specifications on Page 10, *"After the user is finished using device (700), the keyboard portion (710) is slid into guide members (735, 737) with the keypad (725) facing the bottom surface ~~(765)~~ (745) of electronic housing (720)"* As shown in the operable state in FIG. 7B, keypad 125 does not face the bottom surface of the electronic housing. However,

Applicant can change wording to state a parallel configuration which is also depicted in FIG. 7A if required by the examiner.

Drawings are considered part of the specifications. (*See Was-Cath, Inc v. Mahurkar, 935 F2d 1555, 19 USPQ2d 1111, 1118 (Fed. Cir. 1991)*). Fig.'s 7A-7C illustrates the configuration of operable and closed state of this embodiment of the present invention. The language of claim 13 comes directly from the specifications in conjunction with the drawings. It is not clear what examiner means by the specification do not reasonably convey to one skilled in the art. Clarification is required because the drawings are clear. The description does not require literal support for the claimed invention. The disclosure should convey the concept that is claimed. (*See Ex Parte Parks 30 USPQ2d 1234, 1246-27 (B.P.A.I 1993)*) *Here, the do drawings provide the concept of the claimed invention.*

103 REJECTIONS

Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. A factual inquiry whether to combine references must be thorough and searching. A showing of suggestion, teaching or motivation to combine the prior art references is an essential component of an obvious holding. The prior art must suggest a desirability to combine prior art references. (See 277 F3d 1338, 61 USPQ2d 1430 (Fed. Cir 2002)).

Here, the examiner tried to use Brandenburg to fit the claim limitations of Applicant. However, Brandenburg does not teach or suggest the configuration as claimed by the applicant. Brandenburg teaches a pivoting of a display into a normal configuration with the display adjacent to the keyboard in an open state. The device in Brandenburg is not hingedly

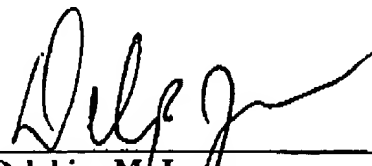
connected as claimed by the Applicant. The hingedly connection between the two top edges facilitates the transitioning of the applicant's device the open state.

Ni illustrates a backside keyboard for a notebook computer or gamebox. Ni is new reference traversed by the examiner. Additionally, the Keyboard in Ni is not Parabolic and is not hingedly connected as claimed by the Applicant.

Ni nor Brandenburg discloses hand grips for supporting the hands while typing on the keyboard when the device is in the open state. In Brandenburg in FIG. 6C, a standard keyboard is shown. Thus hand support means on the side is not required. Label 827 in FIG. 6C designates joysticks. By plain definition joysticks are not used for hand support means. Thus, there is no motivation to combine Ni and Brandenburg. Additionally, it also follows that there is no motivation to combine Makala as well.

Examiner is reminded that Applicant has amended independent claims 7 and 13 to further distinguish with the prior art. In view of the above amendments to independent claims 7 and 13 and supporting argument to claim 1, Applicant respectfully requests that the rejections to the supporting dependent claims be withdrawn. Alternately should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he/she is invited to telephone the undersigned.

Respectfully submitted:



Delphine M. James

Registration No. 45,960
Delphine M. James, Attorney At Law
2656 South Loop West Suite 170
Houston, TX 77054
(713)-661-4144
(Fax) 713-661-4145

CERTIFICATE OF MAILING AND FACISIMILE

I, Delphine James, hereby certify that the foregoing Response to the Office Action is being deposited on 11/30/2005 with the United States Postal Service as U.S. Express Mail. Additionally, the foregoing response is also being transmitted by Facsimile to

Delphi J 571-273-8300

COMMISSIONER OF PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

BY: Delphi J

Delphine James